

SUBCHAPTER A—HAZARDOUS MATERIALS AND OIL TRANSPORTATION

PARTS 100–104 [RESERVED]

PART 105—HAZARDOUS MATERIALS PROGRAM DEFINITIONS AND GENERAL PROCEDURES

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AUTHORITY: 49 U.S.C. 5101–5127; 49 CFR 1.53.

EFFECTIVE DATE NOTE: At 80 FR 54436,
Sept. 10, 2015, the authority citation for part
105 was revised, effective Nov. 9, 2015. For the
convenience of the user, the revised text is
set forth as follows:

AUTHORITY: 49 U.S.C. 5101–5128; 49 CFR 1.81
and 1.97.

SOURCE: 67 FR 42951, June 25, 2002, unless
otherwise noted.

EDITORIAL NOTE: Nomenclature changes to
part 105 appear at 70 FR 56087, Sept. 23, 2005.

Subpart A—Definitions

§ 105.5 Definitions.

(a) This part contains the definitions
for certain words and phrases used
throughout this subchapter (49 CFR
parts 105 through 110). At the beginning
of each subpart, the Pipeline and Haz-
ardous Materials Safety Administra-

tion (“PHMSA” or “we”) will identify
the defined terms that are used within
the subpart—by listing them—and refer
the reader to the definitions in this
part. This way, readers will know that
PHMSA has given a term a precise
meaning and will know where to look
for it.

(b) Terms used in this part are de-
fined as follows:

Approval means written consent, in-
cluding a competent authority ap-
proval, from the Associate Adminis-
trator or other designated Department
official, to perform a function that re-
quires prior consent under subchapter
C of this chapter (49 CFR parts 171
through 180).

Associate Administrator means Asso-
ciate Administrator for Hazardous Ma-
terials Safety, Pipeline and Hazardous
Materials Safety Administration.

Competent Authority means a national
agency that is responsible, under its
national law, for the control or regula-
tion of some aspect of hazardous mate-
rials (dangerous goods) transportation.
Another term for Competent Authority
is “Appropriate authority” which is
used in the International Civil Avia-
tion Organization’s (ICAO) Technical
Instructions for the Safe Transport of
Dangerous Goods by Air. The Associate
Administrator is the United States
Competent Authority for purposes of 49
CFR part 107.

Competent Authority Approval means
an approval by the competent author-
ity that is required under an inter-
national standard (for example, the
ICAO Technical Instructions for the
Safe Transport of Dangerous Goods by
Air and the International Maritime
Dangerous Goods Code). Any of the fol-
lowing may be considered a competent
authority approval if it satisfies the re-
quirement of an international stand-
ard:

(1) A specific regulation in sub-
chapter A or C of this chapter.

(2) A special permit or approval
issued under subchapter A or C of this
chapter.